

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 FULL CIRCLE UNITED, LLC,

4 Plaintiff,

5 vs. Civ. Action No. 1:20-cv-03395

6 BAY TEK ENTERTAINMENT, INC.,

7 Defendant.

8 _____/
9 BAY TEK ENTERTAINMENT, INC.,

10 Counterclaim Plaintiff,

11 vs.

12 FULL CIRCLE UNITED, LLC,

13 Counterclaim Defendant,

14 and

15 ERIC PAVONY,

16 Additional Counterclaim Defendant.

17 Remote Videotaped Deposition of
18 HOLLY HAMPTON, Volume III of III, taken at the
19 instance of the Plaintiff/Counterclaim
20 Defendants, before KATHY P. PABICH, a Notary
21 Public in and for the State of Wisconsin,
22 taken from Green Bay, Wisconsin, on June 30,
23 2022, commencing at 12:49 p.m. and concluding
24 at 6:16 p.m., Central Standard Time.

(Exhibit 12 was marked for identification.)

2 BY MS. CASADONTE-APOSTOLOU:

Q This will be Exhibit 12. It's at the -- it's
at the bottom. Well, I should read the question --
sorry. If you go up, it's Interrogatory 1. It's
the Second Amended Responses to Interrogatory 1 by
Bay Tek.

The Interrogatory is "Identify all channels or methods (e.g. internet, print) used by Bay Tek, or any licensee of Bay Tek other than Full Circle, to advertise goods or services using the Mark from 2016 through present, and for each, identify the date(s) each channel was used, the product(s) or service(s) advertised on the channel, the method or channel used, and the substance of the advertising. For each identified advertising activity that is performed by an entity other than Bay Tek, identify the entity."

19 So that's just a question, and in
20 connection -- in response there was a list provided
21 by Bay Tek of its licensees. It's Exhibit A to --
22 I'll give you a second to -- have you seen Exhibit A
23 to Bay Tek's Second Amended Response to
24 Interrogatory No. 1 before?

25 A Yes, I have.

1 Q Okay. Did -- did you participate in
2 **preparing it?**

3 A **Yes.**

4 Q Okay. Is the information on Exhibit A
5 accurate?

6 A To the best of my knowledge, yes.

7 Q Are there any amendments or revisions needed
8 to Exhibit A, considering that some time has passed
9 since it was served by Bay Tek?

10 A What is the date of this agreement?

11 Q The service date? Just go up, Mr. Atfeh. Go
12 down. Go down. October 15, 2021.

13 A We have not entered into any new licensing
14 agreements since --

15 Q Okay. Then --

16 A No, I'm sorry, there would have been one
17 additional. To the best my knowledge, there would
18 be one additional licensee to add.

19 Q What information can you provide about the
20 additional licensee?

21 A Sure. The company is called Flybar, and we
22 would have entered into that agreement late 2021.
23 It's for the category of inflatable toy.

24 Q Okay. Are you aware of the advertise --
25 advertising channels used by Flybar in connection